

Environmental Protection Agency

§ 52.2500

LLC, dated December 13, 2011, except the undesignated introductory text, the section titled “Findings,” and the undesignated text following condition 13.

[37 FR 10900, May 31, 1972, as amended at 77 FR 72744, Dec. 6, 2012. Redesignated and amended at 78 FR 17110, 17123, Mar. 20, 2013]

§§ 52.2478–52.2494 [Reserved]

§ 52.2495 Voluntary limits on potential to emit

Terms and conditions of regulatory orders issued pursuant to WAC 173-400-091 “Voluntary limits on emissions” and in accordance with the provisions of WAC 173-400-091, WAC 173-400-105 “Records, monitoring, and reporting,” and WAC 173-400-171 “Public involvement,” shall be applicable requirements of the federally-approved Washington SIP and Section 112(l) program for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by any person in the same manner as other requirements of the SIP and Section 112(l) program. Regulatory orders issued pursuant to WAC 173-400-091 are part of the Washington SIP and shall be submitted to EPA Region 10 in accordance with the requirements of §§ 51.104(e) and 51.326.

[60 FR 28728, June 2, 1995]

§ 52.2496 [Reserved]

§ 52.2497 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of Washington.

(c) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Spokane Indian Reservation is designated as a Class I

area for the purposes of preventing significant deterioration of air quality.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 56 FR 14862, Apr. 12, 1991; 68 FR 11324, Mar. 10, 2003; 68 FR 74490, Dec. 24, 2003]

§ 52.2498 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility new source review. The provisions of § 52.28 are hereby incorporated and made a part of the applicable plan for the State of Washington.

[51 FR 23228, June 26, 1986]

EFFECTIVE DATE NOTE: At 79 FR 33453, June 11, 2014, § 52.2498 was amended by adding paragraph (c) to read as follows:., effective July 11, 2014. For the convenience of the user, the added text is set forth as follows:

§ 52.2498 Visibility protection.

* * * * *

(c) The requirements of sections 169A and 169B of the Clean Air Act are not met because the plan does not include approvable provisions for protection of visibility in mandatory Class I Federal areas, specifically the Best Available Retrofit Technology (BART) requirement for regional haze visibility impairment (§ 51.308(e)). The EPA BART requirements are found in §§ 52.2500, 52.2501, and 52.2502.

§ 52.2499 [Reserved]

§ 52.2500 Best available retrofit technology requirements for the Intalco Aluminum Corporation (Intalco Works) primary aluminum plant—Better than BART Alternative.

(a) *Applicability.* This section applies to the Intalco Aluminum Corporation (Intalco) primary aluminum plant located in Ferndale, Washington and to its successors and/or assignees.

(b) *Better than BART Alternative—Sulfur dioxide (SO₂) emission limit for potlines.* Starting January 1, 2015, SO₂ emissions from all potlines in aggregate must not exceed a total of 5,240 tons for any calendar year.

(c) *Compliance demonstration.* (1) Intalco must determine on a calendar